

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 6164 OF 2019

Chandradev Parmeshwar Rai ... Petitioner

Versus

The State of Maharashtra ... Respondent

None for the petitioner.

Smt. Aruna Pai, APP for the State.

CORAM : B.P. DHARMADHIKARI &
NITIN R. BORKAR, JJ.
DATE : DECEMBER 16, 2019

P.C.:

Heard learned APP for the State. She upon instructions states that the rejection order was passed on 16/11/2015. The prisoner has returned back late by 45 days and therefore, his request to treat the said period as an extended leave period cannot be accepted.

2. Papers show that on 14/7/2015, he was released on parole leave for 15 days. He then sought extension of 30 days which was sanctioned on 16/11/2015. It appears that the treatment of the daughter could not be completed even during the extended period and the prisoner therefore, reported back on 09/10/2015.

3. Papers do not show whether after 29/08/2015, the prisoner

had sought any extension or then, whether it was rejected. The extension sanctioned on 16/11/2015 is for the period which expired on 28/08/2015.

4. For this delay, the Superintendent of Yerawada Central Prison has by order dated 20/8/2017 imposed punishment of deduction of 4 days remission for each day of delay and his 164 days of remission have been deducted.

5. We find that the prisoner was in open prison and he has reported back voluntarily. It appears that he had given some explanation for late returning. It does not appear that he has submitted any medical report to show that he was looking after his ailing daughter even during this period of 41 days. In this situation, taking overall view of the matter, we bring down the punishment of 82 days of cut in remission, i.e. 2 days cut for each day of delay. Order dated 20/8/2017 is modified accordingly. Petition is partly allowed.

6. This order be communicated to the prisoner in jail.

(NITIN R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)